

2155
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

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|------------------------------|---|--------------------------|
| Arthur Zavalkovsky, et al. |) | Confirmation No.: 1727 |
| Serial No.: 09/675,980 |) | Examiner: Kevin T. Bates |
| Filed on: September 29, 2000 |) | Group Art Unit No.: 2155 |

For: MARKING NETWORK DATA PACKETS WITH DIFFERENTIATED SERVICES
CODEPOINTS BASED ON NETWORK LOAD

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

 37 C.F.R. §1.97(b).

X 37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

X A statement pursuant to 37 C.F.R. §1.97(e)

 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first

cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

X 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

_____ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

_____ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

_____ A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

_____ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

_____ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

The Examiner's attention is directed to the following related application(s) for the following reasons (as indicated by an "X" to the left of the appropriate paragraph):

 The Examiner is hereby notified that the following related application has been filed:

U.S. Application Serial No. _____, filed on _____.

This related application contains one or more claims that may be substantially similar to one or more claims in the present application. Therefore, the Examiner is encouraged to reference the file history of the related application as some of the information contained therein may be material to the examination of the present application.

 X The Examiner is hereby notified that the present application is related to the following related application(s):

U.S. Application Serial No. 09/347,438, filed on July 2, 1999,

U.S. Application Serial No. 09/443,947, filed on November 19, 1999,

U.S. Application Serial No. 09/640,466, filed on August 16, 2000,

U.S. Application Serial No. 09/675,206, filed on September 29, 2000,

U.S. Application Serial No. 09/614,365, filed on July 12, 2000,

U.S. Application Serial No. 09/703,504, filed on October 31, 2000,

U.S. Application Serial No. 09/729,623, filed on November 30, 2000,

U.S. Application Serial No. 10/076,258, filed on February 12, 2002,

U.S. Application Serial No. 10/210,505, filed on July 31, 2002,

U.S. Application Serial No. 10/341,851, filed on January 13, 2003,

The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

X

The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

U.S. Application Serial No. 09/640,466, filed on August 16, 2000 (Office Action mailing date July 6, 2004).

The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

Dated: July 27, 2004

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Palermo
Reg. No. 42,056

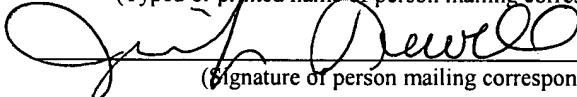
1600 Willow Street
San Jose, California 95125-5106
Telephone: (408) 414-1080
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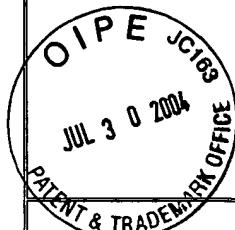
July 27, 2004
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)



**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(PTO-1449)

ATTY. DOCKET NO.
50325-0106

SERIAL NO.
09/675.980

APPLICANT:

FILING DATE:
September 29, 2000

GROUP:
2155

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|--------------------------|-------------------------|---------------------|--|--|--|----------------|
| Exam. Initial* | Cite No. ¹ | Foreign Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD- YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Office ³ | Number ⁴ | | | | |
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|-----------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.